

Serial No. 09/915,367
Arndt dated 5/6/2004
Response to Office Action dated 4/29/2004

Claims 1-4, 16-20-24, 31-35, 46-57, 63, and 66-68 stand rejected under 35 U.S.C. 103(a) for obviousness over U.S. Patent No. 6,133,836 to Smith in view of U.S. Patent No. 6,084,512 to Elberty et al.

Applicant respectfully traverses the rejections and urges allowance of the present application.

Applicant respectfully requests reconsideration of the obviousness rejection of the pending claims. In particular, the Smith reference and the pending application were commonly owned at the time the invention hereof was made. Further, the Smith reference was filed Feb. 27, 1998 and issued Oct. 17, 2000 and only qualifies as prior art under 35 U.S.C. §102(e) in consideration of the priority date of July 29, 1999 for the present application. In addition, the present application was filed July 27, 2001 and accordingly was filed on or after November 29, 1999. Pursuant to 103(c), Smith may not be properly combined with Elberty in support of the rejection of Applicant's claims. Accordingly, Applicant requests withdrawal of the obviousness rejections over Smith. Inasmuch as the only rejections of record are obviousness rejections over Smith, Applicant respectfully requests withdrawal of all rejections and allowance of the present application.

Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

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Respectfully submitted,

Dated: 6/4/04

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